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REVIEWS AND CRITICISMS

inculcated in all those who desire reform, in order that their efforts, however good their intent, may not retard rather than aid the plans they propose.

Philadelphia.

JOHN LISLE.

JUSTICE LAUDATIVE. RECHERCHE DES ELEMENTS D'UN DROIT SOCIAL COMPLEMENTARY DE LA JUSTICE PENALE. By *F. Holbach*, Avocat a la Cour d'appel de Bruxelles. Brussels and Paris, 1914.

The writer opens a fertile field, hitherto little cultivated. The work begins with the assumption that there is in society a conviction that justice includes the rewarding of good deeds as well as the punishment of bad ones. That such an idea exists and has long existed is shown by numerous references from history and the literature of law and religion of the past and present.

That the punitive idea of justice has received so much attention and has become fixed in the law while the other phase of it has scarcely received attention, at least public attention, seems to the advocate an unfortunate thing for society as a whole. The writer believes that the neglected branch of justice has done much more in the way of social control than punishment in spite of the fact that it is unorganized and little conscious effort has been made to make use of it. Having demonstrated the existence of this dual conception of justice, M. Holbach states his thesis as follows: "The subject which occupies me is as follows: if the laws have for so long a time compelled the hunting out and punishment of evil, without hunting out and rewarding good, if a penal law already exists and the law of compensation (laudative) has for a long time been absent when justice implies both and Christian charity counsels rather the omission of the punishment than of the reward, the reason for this logical anomaly is found in the whole of the social organization or resulting circumstances imposed by the moral and intellectual imperfection of humanity. Perhaps," he continues, "in considering the whole of the facts set forth in the following pages, one will receive, as I have, the impression that the time approaches which will see diminished the regime of the old testament that evil be opposed with evil; and which will assist in the insensible social realization of the so long enigmatic words of the evangelist who wished that evil might be combatted with good. It is not by any means doubtful that '*justice laudative*,' which has already constituted itself and is in action, will be a new and very powerful means of ameliorating human society, perhaps more efficaciously than '*justice penale*,' whose field of action is more limited."

That the advocate has a good ground here for argument, no one will deny, but that society would be materially helped by a conscious effort to supply this apparent fault of the developed system not a great many will agree. This would be conscious interference which would disturb the shade of Herbert Spencer if not the social equilibrium. Leaving aside the discussion of the advisability of conscious interference, there are other important considerations involved in this thesis.

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Would a society impelled to action by the hope of reward be the goal of evolution? Is not the present system working toward a better object? Cannot the words of the evangelist be oft interpreted that the good deed is its own reward? Might not the present system develop a type desirous of doing good for the sake of society rather than for the hope of a personal reward? Many believe that the last condition suggested is the real one. It is certainly more likely to win out in the selective process. The golden age is ahead as M. Holbach discerns it, but we seriously doubt the wisdom of trying to hasten its coming by the means of "*justice laudative*." However, as is pointed out, the wheels of society might be made to run a great deal smoother if public service were better paid than at present. That this should be more than decorations and titles is obvious, but to make it more material would seriously endanger a delicately organized system of social control, worked out by long ages of unbiased experiment.

The book is well written and the author makes a good case. That there is a popular conception such as he describes is made clear. The question is, "is this justice or merely an idea?" There is apparent confusion on this point.

The field traversed has been little studied and this pioneer does good work. His style is happy and his view optimistic. On account of the sociological significance of the material considered the work almost if not quite merits translation.

Syracuse University.

PHIL. A. PARSONS.

JUVENILE LAWS OF THE UNITED STATES. (A FIATALKORUAK BUNTETO-JOGA ESZAK AMERIKABAN.) By *Dr. Francis Finkey*, Budapest. Atheneum, 1913, Pp. 276, index.

Dr. Francis Finkey is professor of criminal law and criminal procedure of the University of Kozsvár, Hungary, and one of the foremost jurists of modern Hungary, progressive and abreast with the times. His work on "the present status of penology and its reform questions" appeared in 1904, discussing the latest developments of penal science in Western Europe. The present work was inspired by his attendance at the International Prison Congress, held at Washington in October, 1910. He records his impressions gathered during the two months study trip taken by the delegates prior to the sessions of the congress. The work contains six chapters, an introduction, a bibliography and index. It was issued under the auspices of the Hungarian Bar Association.

Dr. Finkey in explaining the reason for writing his book, points out that the reform law of the Hungarian Criminal Code (1908; XXXVI) and especially the second chapter, dealing with juvenile offenders, is modeled to a large extent after our juvenile court laws and some of the features of our jurisprudence of this branch were taken over by the Hungarian code without change. Hence he finds it useful to go to the source and to show conditions of the place where the reform movement dealing with juvenile offenders originated.